

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided, for the indication that the drawings are acceptable, for the acknowledgement of Applicants' claim of priority and receipt of the certified copy of the priority document, and for the acknowledgement of Applicants' Information Disclosure Statement by return of the Form PTO-1449.

Applicants also acknowledge with appreciation the indication that claims 7 and 8 contain allowable subject matter on page 5 of the Official Action.

Upon entry of the above amendments claims 1, 4 and 5 will have been amended, and claims 3 and 9-21 will have been cancelled. Claims 1, 2 and 4-8 are currently pending. Applicants respectfully request reconsideration of the outstanding objections and rejections, and allowance of all the claims pending in the present application.

Applicants note that claims 9-21, which were withdrawn from consideration by the Examiner, have been cancelled.

On pages 2 and 3 of the Official Action, claims 1 and 3-5 were rejected under 35 U.S.C. § 102(e) as being anticipated by HIGUCHI et al. (U.S. Patent No. 6,829,011).

Applicants respectfully traverse the rejection under 35 U.S.C. § 102(e).

Claim 1, as currently amended, includes inter alia, "wherein said transmission optical component is fixed to said image pick-up device with the space between the sensor surface and the transmission optical system being sealed in an air-tight manner."

Applicants submit that HIGUCHI et al. lacks any disclosure of *a transmission optical component which is fixed to an image pick-up device with the space between the sensor surface and the transmission optical system being sealed in an air-tight manner*, as recited in claim 1.

In this regard, Applicants submit that the transmission optical component in HIGUCHI et al. (which the Examiner designates as lenses from the structure 22 down to the image sensor 27 as shown in Fig. 4B) is not *fixed to* the image pick-up device 27, much less *fixed with the space between the sensor surface (27) and the transmission optical system* (which the Examiner designates as lenses from the structure 22 down to the image sensor 27 as shown in Fig. 4B) *being sealed in an air-tight manner*. For comparison, the Examiner's attention is directed to the non-limiting embodiment depicted in Fig. 3 of the present application, and the discussion at page 12, line 17 through page 15, line 15.

Applicants further submit that dependent claims 4 and 5, which are at least patentable due to their dependency from claim 1, for the above-noted reasons, recite additional features of the invention and are also separately patentable over the prior art of record. For example, Applicants submit that HIGUCHI et al. lacks a transmission optical component having a concave lens with a concave surface on the sensor surface side, as recited in claim 5.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. § 102(e) at least for each, and certainly for all, of the above-noted reasons, and an early indication of the allowance of these claims.

On pages 4 and 5 of the Official Action, claims 2 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over HIGUCHI et al. in view of various secondary references to KOBAYASHI (U.S. Patent No. 7,084,920) and HAMAMURA et al. (U.S. Patent No. 6,700,617).

Applicants respectfully traverse these rejections under 35 U.S.C. § 103(a).

As an initial matter, Applicants submit that the teachings of KOBAYASHI and HAMAMURA et al. do not cure the above-noted deficiencies in the disclosure of HIGUCHI et al. with regard to claim 1.

Applicants further submit that these dependent claims, which are at least patentable due to their dependency from claim 1, for the above-noted reasons, recite additional features of the invention and are also separately patentable over the prior art of record. In this regard, Applicants submit that the modifications suggested by the Examiner are based on impermissible hindsight reasoning, rather than on any teachings in the references themselves, and would not have been obvious to one having ordinary skill in the art.

Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections under 35 U.S.C. § 103(a) at least for each, and certainly for all, of the above-noted reasons, and an early indication of the allowance of all of the pending claims.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Any amendments to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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